REMARKS

The last Office Action has been carefully considered.

It is noted that claims 17-24 under 35 U.S.C. 103(a) over the patent to Tanaka in view of the publication of Hinokuna.

Also, the claims are rejected under 35 U.S.C. 112.

In connection with the Examiner's rejection of claims under 35 U.S.C. 112 and the Examiner's question with respect to the particulate material, the Examiner's attention is respectfully directed to the specification, in which the particular material is specifically disclosed, for example in the Description of the Preferred Embodiments. It is stated there that the particulate material can be composed of carbon dust, plastic, treated with fullerenes and nanotubs, etc. Thus, it is believed that the Examiner's grounds for the rejection of the claims under 35 U.S.C. 112, first paragraph, should be considered as no longer tenable and should be withdrawn. Claim 20 has been amended and it is believed that the second formal rejection should be withdrawn as well.

In connection with the Examiner's question about the continuity of the present application, it is respectfully submitted that the present application is a divisional application of the parent case which has been identified. The lineage of the instant application can be clearly traced, since the parent application also discloses sensing of seismic and/or acoustic vibrations, with the use of a body of a particulate material composed of a plurality of special individual particles. It is therefore respectfully requested to maintain the benefit of priority from the earlier filing date.

The Examiner's attention is also respectfully directed to the fact that the Hinokuma reference was not published earlier than the priority of the present application, and therefore it is believed that it can not be considered as a valid reference. However, in order to be responsive, this reference will be discussed as well.

Turning now to the references and in particular to the patent to Tanaka, it is respectfully submitted that the patent to Tanaka discloses a device including an ultrasonic wave reception apparatus and obstacle detection apparatus. It does include a body of a particulate material composed of a plurality of individual particles and means for determining

their charges. In this reference however as indicated by the Examiner, the particles are not treated with an electrically conductive substance.

The Examiner applied a patent to Hinokuma and indicated that the conductivity of carbon dust is increased in the reference by treating the carbon with a specific molecular structure, such as fullereness and carbon nontubes.

The Examiner's attention is respectfully directed to the fact that the invention disclosed in the patent to Hinokuma has nothing to do with imparting electrical conductivity to the particles and increasing their electrically conductive properties, for example to be used for detecting changes in electrical conductivity of the particulate material. The invention disclosed in the patent Hinokuma deals exclusively with a proton conductor and particles which exhibit proton conductivity. This has nothing to do with the applicant's invention. The inventive device is not designed for determining changes in proton conductivity, and does not sense seismic and/or acoustic vibrations based on proton conductivity. In the present invention the seismic and/or acoustic vibrations are sensed by determining changes in electrical conductivity of the particulate material. Thus, the

Hinokuma solution is completely different from the applicant's invention and unacceptable for the purposes of the applicant's invention.

The Examiner combined the teachings of the references. First of all, it is believed that the references are not combinable as a matter of obviousness. While Tanaka teaches electrically conductive particles in the specific device, Hinokuma teaches a proton-conductive particles, which are not combinable with one another, since any combination would completely destroy any of the solutions disclosed in each of the references. A combination of the particles produces from both references does not exist and can not exist and would not lead to the applicant's invention. In the best scenario the device disclosed in the patent to Tanaka would include electrically conductive particles, and in addition proton-conductive particles treated in a certain way. This would have nothing to do with the applicant's invention, and the applicant's device would not operate at all in the intended manner.

In view of the above presented remarks and amendments, it is believed that claims 17, 19 and 23, should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claims 17 and 23, they share their presumably allowable features, and they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,

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